

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOACHIM SCHONBECK,
HERBERT QAMBUSCH and HANS HOPPMANN

Appeal No. 2005-0614
Application No. 09/171,735

ON BRIEF

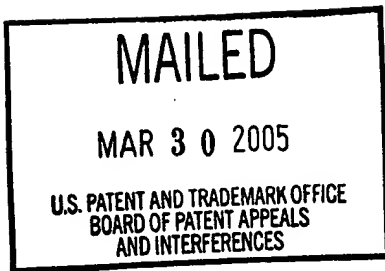
Before GARRIS, PAK, and JEFFREY T. SMITH, Administrative Patent Judges.

GARRIS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on an appeal which involves claims 6-8, 12 and 13.

The subject matter on appeal relates to a process for producing hot-rolled steel strip from a continuously cast precursor strip. The process comprises receiving at a first deformation stage the continuous precursor strip of a complete casting sequence directly from a continuous casting plant in which the continuous precursor strip is produced and rolling the continuous precursor



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strip through the first deformation stage to form a continuous intermediate strip without subjecting the continuous intermediate strip to any cutting to form an intermediate coil. Further details of this appealed subject matter are set forth in representative independent claim 6 which reads as follows:¹

6. A process for producing hot-rolled steel strip from a continuously cast precursor strip, comprising the steps of:

receiving, at a first deformation stage having at least one roll stand, the continuous precursor strip of a complete casting sequence directly from a continuous casting plant in which the continuous precursor strip is produced;

rolling the continuous precursor strip through the first deformation stage to form a continuous intermediate strip;

coiling the continuous intermediate strip without subjecting said continuous intermediate strip to any cutting to form an intermediate coil having an intermediate coil weight comprising at least 40 tons;

uncoiling the continuous intermediate strip from the intermediate coil to supply a second deformation stage having at least one roll stand;

rolling the continuous intermediate strip through the second deformation stage to form a finished strip;

producing a plurality of finished coils from the finished strip by coiling the finished strip and severing the finished strip

¹As pointed out by the Examiner on page 2 of the answer (and not disputed by the Appellants), the claim 6 reproduction which appears in the appendix of the brief is inaccurate. Rather than elucidate this inaccuracy, suffice it to say that our assessment of the rejection before us is based upon the actual wording of this claim.

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into sections having a desired finished coil weight after said step of rolling the continuous intermediate strip through the second deformation stage; and

changing the metallurgical characteristics of the continuous intermediate strip by temperature control prior to said step of coiling the continuous intermediate strip and speed control of said continuous intermediate strip through the second deformation stage.

The reference set forth below is relied upon by the Examiner as evidence of obviousness:

Nitou et al. (Nitou) JP 59-092103 May 28, 1984

All of the appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nitou.²

We refer to the brief and to the answer for a complete exposition of the opposing viewpoints expressed by the Appellants and by the Examiner concerning this rejection.

OPINION

For the reasons set forth below, we will sustain this rejection.

In the answer, the Examiner identifies a number of features recited in appealed independent claim 6 which he considers to distinguish over the Nitou reference. However, in their brief,

²On page 3 of the brief, the Appellants indicate that the appealed claims will stand or fall together. Accordingly, in assessing the merits of the above noted rejection, we will focus only on claim 6 which is the sole independent claim before us.

the Appellants argue as a distinction only one claim feature.

Specifically, it is the Appellants' contention that:

Nitou fails to teach or suggest that the intermediate coil receives a complete casting sequence of a precursor strip. Rather, Nitou discloses that non-continuous rolling achieves the same effects as continuous rolling (see page 3, lines 12-14). Figs. 1 and 2 of Nitou also show multiple intermediate coils thereby indicating non-continuous rolling. Accordingly, appellant [sic, appellants] respectfully submits that Nitou fails to teach or suggest that an intermediate coil is formed from a continuous precursor strip of a complete casting sequence, as recited in independent claim 6. [Brief, pages 4-5].

Accordingly, we will limit our patentability consideration in the subject appeal to this sole argued claim distinction.

We cannot agree with the Appellants that Nitou contains no teaching or suggestion that his continuous precursor strip is "of a complete casting sequence" as required by the independent claim on appeal. In this regard, we observe that Nitou expressly discloses that his continuously cast slab S_1 is continuously cast from a known continuous casting machine 1A (e.g., see paragraphs 7 and 9 on translation page 3). This continuously cast slab S_1 corresponds to the "continuous precursor strip" of appealed claim 6.

From our perspective, the disclosure of Nitou, at a minimum, would have suggested that his slab S_1 be of a complete casting

sequence. This is because Nitou unambiguously teaches that the quantity of his casting machine charge may correspond to the quantity of hot strip product (e.g., see the first paragraph on translation page 6 as well as the third paragraph on translation page 3). Thus, for example, a 100 ton charge from Nitou's casting machine may correspond to a 100 ton hot strip order. In light of this disclosure, we are convinced that one with ordinary skill in the art would have found it obvious to form Nitou's continuous slab S_1 (which corresponds to the Appellants' claimed continuous precursor strip) "of a complete casting sequence" from a continuous casting plant in which the continuous precursor strip is produced.

We observe that the Appellants, in their brief, stress the fact that Nitou teaches non-continuous rolling of his slab S_1 (e.g., see pages 4 and 5 of the brief). While this is true, it does not militate against our above noted conclusion of obviousness. The non-continuous rolling of Nitou's continuous slab S_1 is depicted in parts A and B of Nitou's Figure 1 and corresponds to the similarly non-continuous rolling steps disclosed in the subject specification and defined by appealed claim 6 in the second through fifth steps thereof. This non-continuous rolling operation is simply irrelevant to whether Nitou teaches or suggests a

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suggests a complete casting sequence just as it is irrelevant to the "complete casting sequence" feature of the appealed claim under review.

In light of the foregoing, we hereby sustain the Examiner's § 103 rejection of all appealed claims as being unpatentable over Nitou.

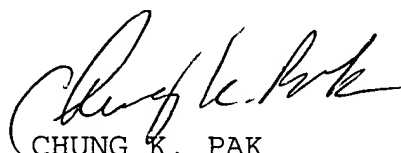
The decision of the Examiner is affirmed.

No time period for taking any subsequent action in connection
with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED



BRADLEY R. GARRISS
Administrative Patent Judge



CHUNG K. PAK
Administrative Patent Judge



JEFFREY T. SMITH
Administrative Patent Judge

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